



TAXI/PRIVATE HIRE BOOKING OFFICE LICENCE GUIDANCE NOTES FOR APPLICANTS

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with taxi/private hire booking offices introduced by the Civic Government (Scotland) Act 1982. While every effort has been made to ensure accuracy these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/ guidance notes issued by the Council.

The application form is split into six different parts:-

- A Personal
- B Business Details
- C Licence Details
- D Premises Details
- E Criminal Convictions
- F Residence outside the UK

You must answer all of the questions and supply details where relevant otherwise your application will be returned to you. Your application cannot be processed until all the information is included on the form.

A Personal Details

It is essential that your full personal or business details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

B Business Details

You are required to complete this section if the premises/operation is run by a company or partnership rather than an individual person.

C Licence Details

Grant of a Licence - if you have never held a taxi or private hire booking office licence before or you do not currently have such a licence you need to apply for the **grant** of a licence.

Renewal of Licence - if you currently hold a taxi or private hire booking licence which has not expired but is due to expire then you need to apply for a **renewal** of the licence.

A Licence is generally granted for a period of 3 years although the licensing authority has the discretion to grant it for a shorter period.

D Premises Details

Whether it is a Grant or a Renewal you should fill in all the details requested for the premises you wish to be licensed.

If it is a Renewal, we can only renew the licence for the premises currently licensed. If you would like different premises to be licensed you need to apply for the Grant of a new licence for those premises.

E Criminal Convictions

This section asks whether you have ever been convicted of any crime or offence. **Please note that this includes any driving fixed penalties.**

Although you are not required to disclose any convictions which are "spent" in terms of the Rehabilitation of Offenders Act 1974, the Police may still raise an objection on the basis of spent convictions and the licensing authority may decide to consider these if they are thought relevant to your application.

The Rehabilitation of Offenders Act 1974 states what is to be considered as a "spent" conviction. It depends not just on how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. If you think a conviction is "spent" you should seek independent legal advice. **Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction will be reported to the Procurator Fiscal with a view to prosecution.**

F Residence outside the UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born out with the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of six months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- Have been obtained within the six months immediately prior to submitting your application; and
- Be translated into English; and
- Be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicant should still note, however, that the licence cannot be granted without the evidence having been produced. Therefore if the application is approaching the 9 month time limit

without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

PROVIDING YOUR TAX CHECK (FOR RENEWALS ONLY) – NEW REQUIREMENT

The rules for completing a tax check changed on 2 October 2023 in Scotland

The new rules mean if you're an individual, company or any type of partnership you must complete a tax check if you're:

- renewing a licence
- applying for the same type of licence you previously held, that stopped being valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority

You will not need to complete a tax check and you should follow the [confirm your tax responsibilities guidance](#) if you have:

- never held a licence of the same type before
- had a licence of the same type that stopped being valid a year or more before making this application

What a tax check is

A tax check confirms that you're registered for tax, if necessary. It will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.

You must carry out the tax check yourself. You cannot ask a tax agent or adviser to do this on your behalf.

After you complete the tax check you'll be given a **9-character code**. This is your tax check code. **You must give it to the licensing authority with your licence application — they will not be able to process your application without it.**

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time, you'll need to carry out a new tax check for it.

If you're a partner making a licence application on behalf of a partnership you must complete a tax check for yourself. Your licensing authority will tell you if any other partners also need to complete a tax check.

Applying for more than one licence

You can use one tax check code for more than one licence application if all the applications are for the same type of licence (for example, they are all for taxi driver licences but with different licensing authorities).

If you're applying for different types of licence (for example, a private hire driver licence and a private hire vehicle operator licence) you must complete a tax check for each one.

Licence extension and expiry while waiting for a licence application decision

Your existing licence may be extended until a final decision whether to grant your licence application has been made (including a decision on appeal) if you are renewing licences issued in Scotland

If you do not give the licensing authority a valid tax check code your licence will expire on whichever of the following dates is the latest:

- 28 days after the licensing authority asked for your tax check code
- the date your licence expires

What you'll need

To carry out a tax check, you need:

- a Government Gateway user ID and password
- to know when you first got your licence
- the length of your most recent licence
- how you pay tax on the income you earn from your licensed trade

You can apply for your Tax Check here:

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

General Information

- A licence is only required if bookings for **four or more vehicles** are taken through the premises.

- **Change of Details**

If at some point during the 3 years that the licence lasts you need to change the details of the licence e.g. Change in name, change in address or if you acquire a criminal conviction etc. - you must submit a yellow form (if you are an individual) or a peach form (if you are a Company or a Firm/Partnership). There is no fee for a change of Details.

- **Declaration**

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2500.

Once you have completed the application form, you should submit it to:

Head of Legal and Democratic Services

The Moray Council
High Street
Elgin
IV30 1BX

Along with the appropriate fee.

Your application will be copied to Police Scotland, the Scottish Fire and Rescue Service and the Chief Planning Officer for their observations. If no objection or observation is made on your application within 21 days, the Council will proceed to issue your licence. If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where elected Members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

Fees

Please refer to the Moray Council website for the list of current fees.

Display Notice and Certificate of Display

As well as fully completing the application form you must also complete and display the "Display Notice" at or near the premises in such a position that it can be conveniently read by members of the public. Once you have displayed this notice for 21 days, you should then complete the "Certificate of Display" and send it to the above address.

It is very important that the Display procedure is carried out correctly. You should note that failure to carry out these requirements will delay your application if the Display procedures have to be repeated.

- On the day you lodge your application for the licence you must:-
 - (1) Complete the form headed "DISPLAY NOTICE"
 - (2) Display it at or near the premises so that it can be conveniently Read by the public
- It must remain there for 21 days
- You should check throughout the 21 days that it has not been removed, obscured or defaced. If it has been, you should ensure that it is protected or a replacement is displayed immediately
- At the end of the 21 days you must:-
 - (1) Remove the notice
 - (2) Complete and return the form headed "CERTIFICATE OF DISPLAY"

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 543451.